IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL REVISION APPLICATION No. 31 of 2007

For Approval and Signature:

HONOURABLE MR.JUSTICE D.H.WAGHELA

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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HARSUKHBHAI KARSHANBHAI PORIYA - Applicant(s)
Versus
RAMNIKBHAI V. BORISANIYA & 1 - Respondent(s)

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Appearance :
MR IMTIYAJ M KURESHI for Applicant(s) : 1,
Mr A R Thacker for Respondent(s) : 1,
Mr SS Patel, Addl.PUBLIC PROSECUTOR for Respondent(s) : 2,

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CORAM : HONOURABLE MR.JUSTICE D.H.WAGHELA

Date : 06/02/2007

ORAL JUDGMENT

1. Learned counsel, Mr A.R. Thacker, appears for respondent No.1, who is the original complainant and who is stated by Mr Thacker to be present in the

Court. It was submitted by him that, upon issuance of Rule by previous order dated 19.1.2007 and service thereof upon the complainant and having perused the order reflecting the willingness of the petitioner to fully compensate the original complainant, the parties have amicably settled their disputes and decided to compound the offence.

2. Therefore, it was jointly submitted by the learned counsel that the court may allow the respondent concerned to compound the offence under the provisions of section 147 of the Negotiable Instruments Act, 1881 with the direction to set aside the impugned orders of sentence and to make payment of the sum deposited by the applicant to the respondent concerned.

3. The learned APP having no objection and the parties having reached the understanding as aforesaid, the original complainant is allowed to compound the offence in the present proceedings with the result that the applicant shall stand acquitted and the impugned orders of conviction and sentence shall stand set aside. The amount of Rs.30,000/- stated to have been deposited in cash by the

applicant in the Registry of this Court shall be paid to respondent no.1 by A/c. payee cheque in his name which may be delivered to him or to his learned counsel, Mr Thacker. Rule is made absolute accordingly with no order as to costs. Direct Service today is permitted.

[D. H. Waghela, J.]

msp